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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MICHAEL ROGERS, an individual;
NIKITA WRIGHT, an individual,

Plaintiffs,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT; JOSEPH LOMBARDO, in
his individual capacity; ALFREDO
QUINTERO, individually; PRAVEEN RAJ,
individually; DOE OFFICERS I - IV,
individually,

Defendants.

Case. No.: 2:22-cv-00867-CDS-DJA

**PLAINTIFFS' MOTION FOR
LEAVE TO EXCEED THE PAGE
LIMIT ON THEIR REPLY IN
SUPPORT OF THEIR MOTION
FOR LEAVE TO FILE A SECOND
AMENDED COMPLAINT (ECF NO.
25)**

Plaintiffs MICHAEL ROGERS and NIKITA WRIGHT ("Plaintiffs"), by and through their counsel of record, hereby submit this Motion for Leave to Exceed the Page Limit on their Reply in Support of their Motion for Leave to File a Second Amended Complaint (ECF No. 25.) This Motion is based upon the attached memorandum of points and authorities, Declaration of Counsel, and all papers and pleadings on file herein.

MEMORANDUM OF POINTS AND AUTHORITIES

This is a 42 U.S.C. § 1983 action involving numerous federal claims stemming from the 2020 Black Lives Matter protests in Las Vegas. Plaintiffs Michael Rogers and Nikita Wright along with their minor son were pulled from their car—which was stuck in traffic on the Las Vegas Strip—by numerous Las Vegas Metropolitan Police Department

1 (“LVMPD”) officers. Plaintiffs will be filing their Reply in Support of their Motion for Leave
 2 to File a Second Amended Complaint (ECF No. 25) on or about May 5, 2023. The instant
 3 motion requests leave from this Court to permit Plaintiffs to exceed the 12-page limit set
 4 forth in Local Rule 7-3(b).

5 This is a fact-intensive matter involving sophisticated issues of constitutional
 6 magnitude. Plaintiffs’ Reply seeks to address each of the issues in Defendants’ Opposition
 7 to Plaintiffs’ Motion (ECF No. 29) as well as address various cases cited by Defendants in
 8 support of their Opposition. Plaintiffs’ Motion (ECF No. 25) seeking to add four additional
 9 LVMPD officers and various causes of action totaled just over 4 pages but due to the
 10 complexity of Plaintiff’s claims, the dense and numerous factual allegations in this case, as
 11 well as the arguments raised by Defendants in their Opposition, Plaintiffs respectfully request
 12 leave to file a Reply of 18 pages in length, including the supporting Declaration but exclusive
 13 of other exhibits, table of authorities, and table of contents. Plaintiffs have endeavored to be
 14 concise and well-organized in their Reply to Defendants’ Opposition, but fear adhering to
 15 the page limit will prevent them from completely addressing Defendants’ numerous
 16 arguments. Therefore, for good cause, this Court should permit Plaintiffs to submit a Reply
 17 in excess of the page limit set forth in Local Rule 7-3.

18
 19
 20 Dated this 28th day of April, 2023.

21
 22 /s/ N. Pieter M. O’Leary
 23 MARGARET A. MCLEATCHIE, Nevada Bar No. 10931
 24 N. PIETER M. O’LEARY, Nevada Bar No. 15297
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**DECLARATION OF N. PIETER M. O'LEARY IN SUPPORT OF MOTION TO
EXCEED THE PAGE LIMIT PURSUANT TO LR7-3**

I, N. Pieter M. O'Leary, Esq., declares as follows:

1. I am over the age of 18 years and have personal knowledge of the facts stated herein, except for those stated upon information and belief, and as to those, I believe them to be true. I am competent to testify as to the facts stated herein in a court of law and will so testify if called upon.

2. I am the attorney of record for Plaintiffs and make this Declaration pursuant to LR 7-3.

3. On March 24, 2022, Plaintiffs filed their Motion for Leave to File Second Amended Complaint in the United States District Court, District of Nevada. *See* ECF No. 25. Plaintiffs' Motion comprised approximately four pages.

4. On April 4, 2023, the parties filed a Joint Status Report Regarding the Parties' Meet and Confer as to Filing the Proposed Second Amended Complaint in the United States District Court, District of Nevada. *See* ECF No. 26.

5. On April 7, 2023, the parties filed a Stipulation and Order to Extend LVMPD Defendants' Opposition to Plaintiffs' Motion for Leave to File Second Amended Complaint in the United States District Court, District of Nevada. *See* ECF No. 27. The Stipulation and Order was granted on April 10, 2023. *See* ECF No. 28.

6. Defendants timely filed their Opposition to Plaintiffs' Motion for Leave to File Second Amended Complaint on April 14, 2023. *See* ECF No. 29.

7. On April 21, 2023, the parties filed a Stipulation and Order to Extend Plaintiffs' Reply in Support of Motion for Leave to File Second Amended Complaint (first request). *See* ECF No. 30.

8. The Court denied ECF No. 30 on April 25, 2023. *See* ECF No. 32.

9. The Court granted the parties Stipulation and Order to Extend Plaintiffs' Reply in Support of Motion for Leave to File Second Amended Complaint (second request)

on April 27, 2023. *See* ECF No. 35. Plaintiffs' Reply is currently due on or before May 5, 2023.

10. In order to properly address Defendants' 18-page Opposition (ECF No. 29) and arguments and case law cited therein, Plaintiffs must exceed the 12 page-limit required by LR 7-3(b).

11. As such, Plaintiffs' request that they be permitted to file their Reply in Support of their Motion for Leave to File Second Amended Complaint constituting 18 pages (four additional pages for the Reply and two pages constituting a supporting Declaration authenticating supporting exhibits).

Pursuant to NRS § 53.045, I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Dated this 28th day of April 28, 2023.

/s/ N. Pieter M. O'Leary
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IT IS SO ORDERED.

DATED: May 2, 2023



DANIEL J. ALBRECHTS
UNITED STATES MAGISTRATE JUDGE